



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 29 1996

REPLY TO THE ATTENTION OF:

Ohio Drum Reconditioning

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: Administrative Order No. V-W-96-C-360  
Ohio Drum Reconditioning Site  
Cleveland, Ohio

Dear Sir or Madam:

Enclosed please find an amendment to the above-captioned  
Unilateral Administrative Order dated September 10, 1996.

If you have any questions, please contact Kevin C. Chow,  
Assistant Regional Counsel, at (312) 353-6181.

Sincerely yours,

*William E. Muno*  
for William E. Muno, Director  
Superfund Division

Enclosure

cc: Janice A. Carlson, OEPA Superfund Coordinator

US EPA RECORDS CENTER REGION 5



413069

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 5

IN THE MATTER OF: ) Docket No. V-W-96-C-360  
)  
Ohio Drum Reconditioning Site ) ADMINISTRATIVE ORDER  
) PURSUANT TO SECTION 106(a)  
) OF THE COMPREHENSIVE  
Respondents: ) ENVIRONMENTAL RESPONSE,  
) COMPENSATION, AND  
) LIABILITY ACT OF 1980,  
Listed in Attachment A ) AS AMENDED, 42 U.S.C.  
) SECTION 9606(a)

FIRST AMENDMENT TO ADMINISTRATIVE ORDER  
PURSUANT TO SECTION 106(a)  
OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY ACT OF 1980,  
as amended, 42 U.S.C. Section 9606(a)

The Administrative Order, U.S. Environmental Protection Agency  
Docket No. V-W-96-C-360, issued on September 10, 1996, is hereby  
modified as follows:

CONCLUSIONS OF LAW AND DETERMINATIONS Section, Page 4, Paragraph  
4. of the Order shall be amended to read:

Respondents Brookside Auto Parts, Inc., Mr. David Tvert, and Mr.  
Elmer Freiberg are the present "owners" and "operators" of the  
Ohio Drum Reconditioning Site, as defined by Section 101(20) of  
CERCLA, 42 U.S.C. § 9601(20). Respondents Archer-Daniels-Midland  
Company, Ashland Chemical Company, City Barrel & Drum Co.,  
Cuyahoga Chemical Company, C. DeSantis Paints Manufacturing  
Company, Waterlox Coatings Corporation f/k/a Empire Varnish  
Company, Mr. Elmer Freiberg & Mr. David Tvert d/b/a General Steel  
Barrel Company, Baltimore-Ennis Land Company f/k/a Gibson-Homans,  
Leeco Corporation, The Lincoln Electric Company, Lomack Drum  
Company, Mr. Elmer Freiberg & Mr. David Tvert d/b/a Ohio Drum  
Reconditioning, Werner G., Smith, Inc., Technical Products, Inc.,  
U.S. Steel-Lorain Works, and Youngstown Barrel & Drum Co., are  
either persons who at the time of disposal of any hazardous  
substances owned or operated the Ohio Drum Reconditioning Site,  
or who arranged for disposal or transport for disposal of  
hazardous substances at the Ohio Drum Reconditioning Site.  
Respondents are therefore liable persons under Section 107(a) of  
CERCLA, 42 U.S.C. § 9607(a).

ORDER Section, 3.1 Work Plan and Implementation, Page 10, Paragraph 1 of the Order shall be amended to read:

Within 20 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

ORDER Section, 3.2 Health and Safety Plan, Page 11, Paragraph 1 of the Order shall be amended to read:

Within 20 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

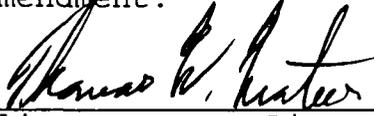
EFFECTIVE DATE Section, Page 18, Paragraph 1 of the Order shall be amended to read:

This Order shall be effective 60 calendar days following the date of signature of the First Amendment to the Ohio Drum Reconditioning Site Unilateral Administrative Order by the Superfund Division Director, U.S. EPA, Region 5.

This First Amendment to the Ohio Drum Reconditioning Site Unilateral Administrative Order is hereby incorporated into the Order as if it were originally part of the Order; all terms, conditions, and stipulations of the Order shall apply to this First Amendment.

By: \_\_\_\_\_

for

  
William E. Muno, Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

October 29, 1996.

ATTACHMENT A

LIST OF RESPONDENTS RECEIVING  
FIRST AMENDMENT TO UNILATERAL ADMINISTRATIVE ORDER

Archer-Daniels-Midland Company  
c/o Richard Kissel, Esq.  
Robert M. Saielli, Esq.  
John W. Watson, Esq.  
Gardner, Carton & Douglas  
Quaker Tower  
321 North Clark Street, Suite 3400  
Chicago, Illinois 60610-4795

Ashland Chemical Company  
c/o Gertrude M. Kelly, Esq.  
Law Department  
Post Office Box 2219  
Columbus, Ohio 43216

Brookside Auto Parts, Inc.  
c/o Eugene I. Selker, Esq.  
Selker & Furber  
1111 Ohio Savings Place  
1801 East 9th Street  
Cleveland, Ohio 44114

City Barrel & Drum Co.  
c/o Dave Ross, Esq.  
Reminger & Reminger  
113 St. Clair Avenue, Suite 600  
Cleveland, Ohio 44114

Cuyahoga Chemical Company  
c/o Patrick J. McIntyre, Esq.  
Seeley, Savidge & Aussen  
800 Bank One Center  
600 Superior Avenue, East  
Cleveland, Ohio 44114-2655

C. DeSantis Paints Manufacturing Company  
4101 East 116th Street  
Cleveland, Ohio 44105

Waterlox Coatings Corporation  
f/k/a Empire Varnish Company  
c/o Mr. John Hawkins, Manager  
9808 Meech Avenue  
Cleveland, Ohio 44105

Mr. Elmer Freiberg  
c/o Michael McMahon, Esq.  
McMahon, DeGulis & Hoffman  
The Kaxton Building  
812 Huron Road, Suite 650  
Cleveland, Ohio 44115-1126

Mr. Elmer Freiberg & Mr. David Tvert  
d/b/a General Steel Barrel Company  
c/o Michael McMahon, Esq.  
McMahon, DeGulis & Hoffman  
The Kaxton Building  
812 Huron Road, Suite 650  
Cleveland, Ohio 44115-1126

Baltimore-Ennis Land Company  
f/k/a Gibson-Homans  
c/o Karen A. Mignone, Esq.  
Hannoch Weisman  
Post Office Box 1040  
Newark, New Jersey 07101-9819

[No Known Address  
Leeco Corporation  
Madison, Ohio 44057]

The Lincoln Electric Company  
c/o Mary M. Bittance, Esq.  
Baker & Hostetler  
3200 National City Center  
1900 East 90th Street  
Cleveland, Ohio 44114-3485

Lomack Drum Company  
c/o M. David Smith, Esq.  
Friedman, Domiano & Smith  
Sixth Floor, Standard Building  
1370 Ontario Street  
Cleveland, Ohio 44113-1701

Mr. Elmer Freiberg & Mr. David Tvert  
d/b/a Ohio Drum Reconditioning  
c/o Michael McMahon, Esq.  
McMahon, DeGulis & Hoffman  
The Kaxton Building  
812 Huron Road, Suite 650  
Cleveland, Ohio 44115-1126

Werner G. Smith, Inc.  
c/o John E. Sullivan, Esq.  
Baker & Hostetler  
3200 National City Center  
1900 East 9th Street  
Cleveland, Ohio 44114-3485

Technical Products, Inc.  
c/o Ann Tighe, Esq.  
Cotsirilos, Stephenson, Tighe, & Streiker  
33 North Dearborn Avenue, Suite 600  
Chicago, Illinois 60602

Mr. David Tvert  
c/o Michael McMahon, Esq.  
McMahon, DeGulis & Hoffman  
The Kaxton Building  
812 Huron Road, Suite 650  
Cleveland, Ohio 44115-1126

U.S. Steel-Lorain Works  
c/o USX Corporation  
Law Department  
Miles Stipanovich, Esq.  
600 Grant Street, Room 1500  
Pittsburgh, Pennsylvania 15219-2749

Youngstown Barrel & Drum Co.  
c/o Mr. Laurence A. McHugh  
Barnes & Thornburg  
600 1st Source Bank Center  
100 North Michigan  
South Bend, Indiana 46601-1632